

EXPLANATION: Matter underscored is new; matter in bracket [] and ~~strikeout~~ is omitted.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE RENO MUNICIPAL CODE, TITLE 6 ENTITLED “VEHICLES AND TRAFFIC,” CHAPTER 6.11, ENTITLED “ENCROACHMENT PERMIT,” BY ADDING CERTAIN LANGUAGE RELATED TO REVOCABLE OCCUPANCY PERMITS TOGETHER WITH OTHER MATTERS PROPERLY RELATING THERETO.

SPONSORED BY: DEPARTMENT OF PUBLIC WORKS

THE CITY COUNCIL OF THE CITY OF RENO DOES ORDAIN:

SECTION 1. Title 6 entitled “Vehicles and Traffic” Chapter 06.11, entitled “Encroachment Permits” and Section 6.11.010 entitled “Scope,” Section 6.11.020 entitled “Traffic control requirements,” Section 6.11.030 entitled “Application,” Section 6.11.040 entitled “Fees,” Section 6.11.050 entitled “Hours of work,” Section 6.11.060 entitled “Basis for denial,” Section 6.11.070 entitled “Additional permits required,” and Section 6.11.080 entitled “Violations” shall be amended as follows:

Sec. 6.11.010. Scope.

This chapter applies to any temporary encroachment permits on public rights-of-way [~~accepted by the city council as an integral part of the city~~] for the purposes of construction, repair, and maintenance and to revocable occupancy permits for the use of the public rights-of-way for other approved purposes such as utilities, signage, and awnings. As used herein, the term public rights-of-way includes the surface of and the space above and below any public street, sidewalk, trail, alley, easement, or other public way of any type to which the city owns or has rights.

Sect 6.11.020. Traffic control requirements.

All encroachments within public rights-of-way shall be in accordance with the latest editions of the Manual on Uniform Traffic Control Devices, [~~and~~] the Nevada Department of Transportation, Work Zone Traffic Control Handbook and Public Rights of Way Accessibility

Guidelines. This section applies to all exceptions as listed in 6.11.030~~(e)~~(e) below. Proper and adequate traffic control shall be in place, prior to commencement of any activity.

Sec.6.11.030. Application.

- (a) Request for permission to use public right-of-way under this section shall be made in writing to the engineering division, on the application form provided for such purpose. The application, when approved by the city engineer or his designee, will constitute the permit for such work. Traffic control plans shall only be required for work on collectors, arterials and all detours. These traffic control plans must be approved by the city engineer or his designee prior to any encroachment into the public right-of-way.
- (b) In order to ensure proper notification of affected properties, application shall be made a minimum of 48 hours in advance for complete closures of arterials and collector streets; for all other temporary encroachments, the application shall be made a minimum 24 hours in advance of the encroachment. Applications for emergency operations shall be filed by the next business day whether the emergency work is completed or not.
- (c) An encroachment permit shall be required for each location where a sewer service lateral is rehabilitated by any type of trenchless technology. A sewer lateral rehabilitation inspection fee shall be paid to provide for the city inspection of the point of connection to the city sewer subsequent to the completion of the sewer lateral rehabilitation. Lateral rehabilitation shall conform to the city standards and the standard specifications for public works construction.
- (d) A revocable occupancy permit is required for any surface, aerial or underground occupancy of the public rights-of-way which is intended to be in place for an extended period of time.

~~(d)~~ (e) Exceptions to the encroachment permit requirement:

- (1) Firms with valid county or state public works contracts, or performing public utility work for a government entity ~~[or for a public utility franchisee]~~, are excused from the usage fee requirements of this section if full-time inspection is provided by the responsible entity.
- (2) Firms with valid city public contracts are exempt from the usage fee because of the existing internal review of the traffic control plans.
- (3) Private developments which are conditioned by the city council to reconstruct/overlay city streets are exempt from usage fees provided that the need ~~[for the need]~~ for the reconstruct/overlay was not caused by the permitted work.

- (4) Single temporary lane closures for service maintenance or deliveries that do not exceed ~~[eight]~~ one hour[s] will fall under RMC Section 6.06.440. "Service vehicle standing zones in street." As provided under Section 6.06.400 "Method of parking." These closures will be in accordance with Section 6.11.020 "Traffic control requirements" and shall be considered lower priority than permitted encroachments. If traffic control conflicts between service vehicle standing zones and permitted encroachments occur, the service vehicle standing zone encroachment may be required to cease as determined by the city engineer.
- (5) Utilities with prior existing legal rights are exempt from the requirement to obtain a revocable occupancy permit.

Sec. 6.11.040. Fees.

- (a) Any applicant who, in conjunction with such encroachment, is also performing work which is regulated in Chapter 12.08, "Street Excavations," shall also obtain an excavation permit and pay the appropriate fee.
- (b) A usage fee shall be charged for any temporary encroachment greater seven calendar days from the initial encroachment for each project, which shall be based on the extent of traffic disrupted, the duration of the encroachment, and/or the amount of right-of-way used. Fees will be applied in accordance with a set list of fees approved by the city council and kept on file in the office of the city engineer. A separate fee shall be charged for each street blocked. Only affected city rights-of-way shall have usage fees charged.
- (c) If the encroachment begins before a permit is issued, the fees shall be double the normal fees incurred up to the time when the permit is actually issued, unless the encroachment is of an emergency nature, as determined by the city engineer.
- (d) An applicant who ~~[had]~~ has a franchise granting it to the right to use the city's streets, alleys, public ways and public grounds shall not be required to pay a permit fee to exercise the rights granted by the franchise.
- (e) A sewer lateral rehabilitation inspection fee shall be charged as part of the required encroachment permit for each private lateral rehabilitated. Fees will be applied in accordance with a set list of fees approved by the city council and kept on file in the office of the city engineer.
- (f) A yearly fee shall be charged for any revocable occupancy permit in the city rights-of-way. Fees will be applied in accordance with a set list of fees approved by the City Council and kept on file in the office of the city engineer. Business entities covered under Reno Municipal Code 5.95.010 which pay license or franchise fees for customers

served in the Reno area through the City of Reno Business License are exempt from fees associated with a revocable occupancy permit.

(g) Bike racks in the public rights-of-way for use by the public are exempt from fees associated with the revocable occupancy permit.

Sec. 6.11.050. Hours of work.

- (a) The city engineer or his designee may limit or restrict traffic interference on arterials or collectors to non-peak traffic hours. The city engineer or his designee may also limit or restrict traffic interference during other hours if special circumstances exist.
- (b) The city engineer or his designee may delay requested encroachments in order to minimize the inconvenience to the public.

Sec. 6.11.060. Basis for denial of application or revocation of permit.

- (a) The city engineer may deny a~~n encroachment~~ permit application if in his judgment the encroachment [could result in intolerable congestion, accident potential or hazard to workmen or the public.] unreasonably interferes with the City's public right-of-way, easement or fee rights or is detrimental to the health, safety and welfare of the general traveling public. The decision of the city engineer may be appealed to the city council. Appeals shall be [my] by written notice and filed at the city clerk's office within ten days after the notice of denial or revocation. Review by city council is de novo.
- (b) Except for correction of potentially hazardous conditions or code violations, which are subject to 6.11.080, occupancy permits are revocable upon 30 days written notice by the city engineer or as conditioned in the permit. Permittee is responsible for removal of all items and restoration of the rights-of-way.

Sec. 6.11.070. Additional permits required.

- (a) No person shall excavate, tunnel, or fill in, any sidewalk, curb, gutter, public street, highway, avenue, alley or public right-of-way within the city limits, without first obtaining permit to do so from the city engineer as described in Chapter 12.08, "Street Excavations."
- (b) Building permits, sign permits, outdoor dining permits or other permits may also be required in association with a revocable occupancy permit, depending on proposed use.

Sec. 6.11.080. Violations.

- (a) If an encroachment into the public right-of-way is discovered without an approved encroachment permit, all work shall immediately cease and any encroachments removed if ordered by the city engineer or his designee, until the proper application is filed and such permit is approved. The city engineer, at his discretion, may order all materials and equipment removed from the public right-of-way until the permit is obtained.
- (b) If the permittee violates the terms of the encroachment permit, the city engineer or his designee shall notify the permittee and indicate what corrections are necessary. Safety hazards shall be corrected immediately, and other violations shall be corrected within 24 hours. Failure of the permittee to correct such violations during such time period shall be sufficient authorization for the city to remove the permittee from the public right-of-way until all fines are paid and new [traffic control] plan is approved by the city engineer and successfully implemented.
- (c) Any person violating any of the provisions of this chapter:
 - (1) Upon conviction, shall be guilty of a misdemeanor and punished as provided in section 1.04.010; or
 - (2) Shall be subject to provisions of Chapter 1.05 of the Code.

SECTION 2. In compliance with NRS 237.080, a Business Impact Statement was prepared and in accordance thereto, the Reno City Council hereby finds that this ordinance amendment does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.

SECTION 3. This Ordinance shall be in effect on September 10, 2014, from and after its passage, adoption and publication in one issue of a newspaper printed and published in the City of Reno.

SECTION 4. The City Clerk and Clerk of the City Council of the City of Reno is hereby authorized and directed to have this Ordinance published in one issue of the Reno-Gazette Journal, a newspaper printed and published in the City of Reno.

PASSED AND ADOPTED this ____ day of _____, 2014, by the following vote of the Council:

AYES: _____

NAYS: _____

ABSENT:_____ABSTAIN:_____

APPROVED THIS _____day of _____,2014.

ROBERT A. CASHELL, SR.
MAYOR OF THE CITY OF RENO

ATTEST:

LYNNETTE R. JONES
CITY CLERK AND CLERK
OF THE CITY COUNCIL OF THE
CITY OF RENO, NEVADA

EFFECTIVE DATE: